

**TESTIMONY OF HARRY WU**  
**ON ORGAN TRAFFICKING BY THE CHINESE COMMUNIST GOVERNMENT**  
**before the**  
**INTERNATIONAL RELATIONS COMMITTEE AND**  
**GOVERNMENT REFORM & OVERSIGHT COMMITTEE**  
**of the**  
**UNITED STATES HOUSE OF REPRESENTATIVES**

**June 4, 1998**

For the past five years, I have investigated and researched yet another atrocity committed by the Chinese communist authorities, namely the traffic of organs harvested from executed prisoners. By extracting organs from executed prisoners and selling them for a profit, the People's Republic of China is once again trampling all over human rights.

World history is replete with ruthless despots who murdered people under political, religious and racial pretexts. Whether in its scale, number of victims or methods employed, the atrocities perpetrated by the People's Republic of China are by no means inferior to those of historical tyrants. Furthermore, the Chinese communists are doing what other despots and autocratic regimes never did before: they are "using", on a large scale and for a profit, the organs of executed prisoners. Whether under the pretexts of "medicine dictates," "concern for patients", or "to use waste," the People's Republic of China is committing major human rights violations, even crimes against humanity.

These crimes did not occur during the early stage of Mao's era, but in the 1980s and 1990s, during Deng and his successors' era. This was the time when a policy of "Reforms and Opening up" was implemented and when a huge amount of Western capital was infused into the veins of this communist power.

In the early 1990's, the United States Government was made aware of the existence of such brutality. Numerous human rights organizations and the media provided a large amount of data. The issue was extensively covered by such television stations as Britain's BBC, Canada's CBC, the American ABC and NBC, France's TFI, Italy's RAI, various television stations from Hong Kong and Taiwan, as well as by the international press. In light of such publicity, the United States Senate held hearings concerning this problem in 1995, followed by the United States House of representatives in 1997. However, the government chose, on the whole, not to notice. Stanley Roth proposed a June 1997 Senate Foreign Relations Committee hearing at which he said, "if true this would be among the grossest violation of human rights imaginable." Yet even with all the facts at hand, he then added, "*If* we find such credible evidence, I will raise it personally with the appropriate officials."

In October 1997, ABC Prime Time Live covered the story of the two Chinese physicians who placed an advertisement in a Chinese-language newspaper located in Connecticut. The

couple was openly seducing American patients with immediate transplantation surgeries, conducted in Mainland China, with organs freshly removed from executed prisoners. This story lead the FBI to arrest two Chinese citizens suspected of peddling organs from executed Chinese prisoners in February 1998, in New York. Even in the face of such gross evidence, the United States Government only accepts to raise “questions to its counterpart’s attention,” failing to lead any serious action.

As for our European counterparts, they decided to take a stand. The European Parliament adopted a resolution on May 14, 1998, condemning the Chinese communist authorities for “using” executed prisoners’ organs, urging them to cease such atrocities and calling for international investigation

In my opinion, the United States of America, as a great nation of democracy and freedom, has responsibilities to promote progress. The USA should clearly position itself on the side of human rights. Unfortunately, United States policy towards China is mainly focused on commercial interests. The leader of the free world, unwilling to see a foreign policy injure commercial interests, has decided to turn a blind eye and a deaf ear to human rights abuses in China.

The Beijing government, acting like an ostrich, has flatly denied huge amounts of facts exposed to daylight in recent years. The Chinese government has even tried to disavow its “Provisional Regulations on the Use of Executed Prisoners’ Corpses or Organs”. This governmental policy was jointly promulgated on October 9th, 1984 by the Supreme People’s Court, the Supreme People’s Procurator, the Ministry of Public Security, the Ministry of Justice, the Ministry of Health and the Ministry of Civil Administration. Along the same lines, in November 1994 a Chinese foreign ministry spokesman accused the BBC of fabrication and slander. Again, in October 1997 the same accusation was leveled against ABC television, which was urged to stop airing their controversial program.

In certain circumstances the Beijing government was compelled to admit that executed prisoners’ organs were “used.” In his letter to Congressman Burton in 1998 the Chinese ambassador to the United States, Li Zhao Xing said, “China permits its medical units to use organs voluntarily donated by citizens following their death. This also applies to executed prisoners.” However, the Chinese government always insisted that transplantation surgeries were performed “with the consent of the prisoners themselves or their families.”

Let us examine the actual numbers of consent from prisoners.

Our investigation estimates that in recent years’ organs of 40%-50% of executed prisoners were not “used” for the following reasons:

1. Death-row prisoners’ families wanted the bodies buried.
2. Death-row prisoners suffered various diseases or were too old.

3. Executions were located in remote areas, or death-row prisoners could not be escorted to nearby areas, which made it difficult to deliver their organs to medical facilities.
4. Death-row prisoners were members of national minorities
5. Use of certain death-row prisoners' organs could cause political and social impact.

We can therefore estimate that corpses and organs of 50%-60% of death-row prisoners were "used."

According to Article 3 of the Chinese communist authorities' document "Provisional Regulations on the Use of Executed Prisoners' Corpses or Organs" of 1984, corpses or organs of death-row prisoners can be "used", if they fall in one of the following three categories:

1. "Nobody claims the bodies or death-row prisoners' families refuse to bury the bodies;"
2. "Death-row prisoners 'voluntarily' donate their bodies for use by medical facilities;"
3. "Death-row prisoners' bodies used with their families' consent."

According to this document, death-row prisoners' corpses can be "used" if one of the three conditions is met. Not all three, or at least two of the conditions, but only one condition is required.

Based on my investigation and research, approximately one third of death-row prisoners' corpses fall under the first category, which is that "nobody claims or their families refuse to bury the bodies." But, what is the meaning of this statement?

When the Chinese communist authorities know that an executed prisoner has no relatives, his corpse automatically falls under this category. Even without the prisoner's consent, the body can be "used." Recently, the vast majority of death-row prisoners were "migrants," (i.e. most of them migrated from villages or small towns to municipalities looking for jobs). The places where they commit crimes are usually far away from their homes and families. Family members may receive an execution notice, but are unable to claim the bodies.

Families can also refuse to claim the body. Why would families refuse to claim bodies of those dear to them? Some families just cannot afford to do so for economic reasons (leaving work, paying for the trip). The major reasons remain political and social ones. It is universally known that Mainland China is a society closely controlled by the communist party. In the People's Republic of China, as soon as one is labeled by the Beijing government as a "class enemy" or a "counterrevolutionary," almost all relatives keep aloof from him/her, or accuse and cast him/her aside. I myself am a good example. In 1957, when I was termed a "counterrevolutionary rightist element," all my siblings severed relations with me. In 1960, when I was arrested, my mother, horror stricken, took her own life. During my long nineteen years in the Laogai camp systems practically no relatives came to see me. I strongly believe that

should I have been executed then, my body would have fallen under the category “nobody claims or family refuses to claim the body” and could have been “used” by the government for a profit. Such family fear continues to exist today.

Of the executed prisoners’ bodies “used,” approximately two thirds fall under the second or third condition stated in that document. The bodies are donated with the consent of the prisoners themselves or with the consent of their families. However, even if the families are in the area where they are executed, the families are actually notified only after the executions. The families know nothing about the word “consent,” they just claim the ashes! As our investigation shows, many cadres who had worked in the Public Security system, and the Judicial system pointed out, as late as early 1994, that Chinese communist authorities had never once solicited any death-row prisoner to sign an organ donation pledge. There was no “consent” at all.

In 1997, in New York, a Chinese physician by the last name of Dai said, “Before Wu Hongda (Harry Wu) testified, there was nothing like “consent,” but now [the Chinese government] has certain formalities, and prisoners must go through the formalities willy-nilly, so when foreigners ask about this, we have something to tell them. Please don’t worry!”

In 1994, in Zhengzhou city, a hospital cadre who had many times extracted organs at execution sites told me. “A shot in [his] head, blow away his brain, and the guy is brain-dead. [He] has no more thinking, ceases to be a human being, just a thing, and we use the waste.” In China, a dead person has no rights. A Chinese government cadre who said (on-the-spot audio recording) explicitly expressed this idea in 1998: “Once prisoners are sentenced to death, they are deprived of all rights, and we handle everything.”

We noticed that in recent years’ families of death row prisoners are notified of death sentences, but for security reasons, they never know when and where executions take place. The time and place of executions remains top secret in China. Public security organizations and courts today may solicit certain family members to sign organ donation pledges, but in the words of communist government cadres “We give them a few pennies, and see if they dare say no.” This is practiced even when many international documents state that if something is signed under duress, it is null and void. It is well known that Nazi physicians claimed that the Jews and POWs used during WWII as live experimental subjects in Auschwitz were “volunteers.” The verdicts carried out at the Nuremberg Trials are well known.

According to Communist China’s judicial procedures, Intermediate People’s Courts are entitled to carry out death sentences, but regardless of whether or not prisoners appeal, such sentences must be finally ruled on by Supreme People’s Court. Technically then, while the prisoners are awaiting such rulings, they cannot be solicited to sign organ donation pledges, nor can related medical tests be conducted on them. But, our investigation shows that even before Supreme People’s Court rulings come down to lower-level courts, public security organizations and hospitals are already conducting such tests on prisoners. Data is thus collected and matched with those of potential organ recipients. This is why patients, especially foreign ones, are notified in advance to be hospitalized to wait for the first available organ. This process shows that everything is premeditated. The demand for organs, then, is the main factor in the consideration of whether or not to put a prisoner to death.

What factors decide on a human life? The government considers which death-row prisoner's organ is compatible with which waiting recipient, as well as a multitude of political, social and economic factors, before deciding which waiting recipient will be given preference. The usual pecking order is as follows:

1. Communist party and government high-ranking cadres;
2. Foreign and overseas Chinese patients;
3. Mainland Chinese who can pay a lot of money;
4. Rank and file Chinese patients.

Many executions take place four or five times a year: on New Year's eve, during the Spring Festival (lunar calendar new year's day), during Labor Day on May 1st, Communist Party Day on July 1st and National Day on October 1<sup>st</sup>. The purpose of executions on major holidays is to manifest "the might of the dictatorship of the proletariat," to curb crimes, and to maintain social order during national holidays. For decades this has been the rule. But, there are exceptions due to certain political considerations. For instance, in 1997 a

physician by the last name of Dai said while he was in the US: "This year [1997] there's no chance [no prisoners executed and no organs extracted] before July 1st, because Hong Kong is reverting to Chinese sovereignty. But there will definitely be chances after July 1st."

Supreme People's Court rulings are usually declared on the morning of executions, and prisoners are immediately escorted to execution sites. The short turnaround time makes it totally impossible for death-row prisoners and their families to sign any documents and for medical facilities to conduct any tests. The procedure only reveals how the Chinese communist authorities brutally trample on human rights by secretly condoning the practice of pre-meditative testing of prisoners. It also highlights how flagrantly hypocritical the government is on issue of executions.

I am not opposed to organ transplantation. In fact a red dot is attached to my driver's license: I am willing to donate my organs should I die in a traffic accident. However, what is happening in Mainland China is inhuman.

To date, the Beijing government has failed to reply to the following questions, which must be clarified:

1. How many transplantation surgeries have been performed since 1979, when the first surgery was performed? How many of them were performed with executed prisoners' organs?
2. Even before the policy document was promulgated in 1984, the Beijing government had began "using" executed prisoners' organs. What was and is the legal basis?

3. Of the “used” organs from executed prisoners, how many fall under the category so-called “nobody claims or families refuse to claim the bodies?” Is the Chinese government willing to publicize all related documents?

4. Of the “used” organs from executed prisoners, how many were “used” with the consent of death-row prisoners or their families? Is the Chinese government willing to publicize related documents?

I call on the United States Congress and Government to react promptly to such atrocities by:

1. Formally denouncing the Chinese communist authorities’ actions of “using” executed prisoners’ corpses and organs;

2. Formally demanding that the Chinese communist authorities immediately cease such actions;

3. Urging the United Nations Organization and other international organizations to conduct investigations into this practice.

Please pay attention to the attached chart: (information excerpt from the Chinese Journal of Organs Transplants, *Zhona Hua Qiguan Yichi Zachi*, published by the Chinese Medical Association). It shows kidney transplants in China are rapidly growing. According to Amnesty International reports 90% of the organs were removed from executed prisoners.

This chart and the national document put together will give a clear sense of the brutality of the Chinese government.

I believe that if we were to review this issue in ten years time, we would discover much more information to prove the extent of the Chinese Communist brutalities. But it would then be too late to do anything about it.

This crime is totally beyond the imagination of people who live in a free country and a civilized society. If we keep silent, we violate the very principles that we hold close to our hearts.

## Provisional Regulations of

The Supreme People's Court, The Supreme People's Procuratorate, Ministry of Public Security, Ministry of Justice, Ministry of Public Health and Ministry of Civil Affairs  
on the Use of Dead Bodies or Organs From Condemned Criminals

October 9, 1984

To:

The Supreme People's Court; The People's Procuratorate; Department [Bureau] of Public Security; Department [Bureau] of Justice; Department [Bureau] of Public Health, Department [Bureau] of Civil **Affairs** at Provincial and Autonomous Region levels and of centrally-controlled Municipalities:

With the development of the medical science in our country, some hospitals, medical institutions and **units** involved **in** medical education and **scientific** research have put forward proposals concerning the use of the dead bodies or organs **from** condemned criminals in scientific research or organ transplantations. In order to support the development of medical science and to change social customs and traditional habits, while understanding the need for the strict implementation of legal provisions and awareness of the political impact as a prerequisite, the following measures are formulated in relation to the use of the dead bodies or organs **from** condemned criminals:

- I. Those criminals who are sentenced to death and executed immediately must "be executed by means of shooting" in light of the relevant provision in the Criminal Law. When the execution is over, the dead bodies should be otherwise dealt with only after death is confirmed by the supervising procurator on the spot.
- II. The dead bodies or organs from condemned criminals after **execution** or the remains can be collected by their family members.
- III. **The** dead bodies or organs of the following categories of the condemned criminals can be made use of:
  1. The uncollected dead bodies or the ones that the family members **refuse** to collect;
  2. **Those** condemned criminals who volunteer to **give** their dead bodies or organs to the medical **institutions;**
  3. Upon the approval of the family members.
- IV. The following provisions must be observed regarding the use of dead bodies or organs **from** condemned criminals:
  1. The units making use of the dead bodies or organs must maintain the technical standards and facilities necessary for the medical **scientific** research or transplantation. They must be examined, approved and granted "special permits" by the Department [Bureau] of Public Health of the provinces or autonomous regions within whose jurisdiction these units are located, and they must go to the Bureau of Public Health of the municipality or district to register.

2. The use of dead bodies shall be arranged in a unified way by Bureau of Public Health of the Municipality or Prefecture, which shall contact the People's Court and the units using the dead bodies respectively in accordance with the order of importance and urgency and the principle of comprehensive use.
  3. After the death penalty execution order is issued, and there are dead bodies that can be directly used, the People's Court should inform, in advance, the Bureau of Public Health of the Municipality or Prefecture, which shall pass on the information to the units using the dead bodies and grant them permits to use the dead bodies. Copies should be sent to the People's Court responsible for the execution of death penalty and the People's Procuratorate in charge of the on-the-spot supervision. It is the responsibility of the units using the dead bodies to contact the People's, within the prescribed time limits of the execution determined by the People's Court.

Regarding the dead bodies that could be used only upon the approval of the family members, the People's Court is to inform the department in charge of public health to consult with the family members, and consequently reach a written agreement in relation to the scope of use, disposal after use, disposal expenses and economic compensation and other matters. The Bureau of Public Health of the municipality or prefecture shall, according to the agreement, grant the units the certificates to use the dead bodies and copies should be sent to the units concerned.

When the condemned criminals volunteer to give their dead bodies to the medical institutions, there **should** be formal **written certificates** or records duly signed by the same, which should be kept in the People's Court for future reference.
  4. Use of the dead bodies or **organs** from condemned criminals must be kept strictly confidential and special attention must be paid to this **objective**. In general, all **[tasks]** should be performed within **the same unit**. Only in real need, and upon the approval of the People's Court executing the death penalty, **can the operation vehicles from medical institutions be allowed entry** into the execution ground to remove organs, but vehicles **displaying the logo of medical institutions** are not to be used and white clinic garments are not to be worn. The execution **ground** should be guarded against before the operation is completed.
  5. After the dead bodies are used, the crematory shall assist the units in timely cremation; in case there is need to bury or to deal with otherwise, the units using the dead bodies shall bear the responsibility; if **the** family members wish to collect the remains, the People's Court is to inform them to collect the remains at the crematory.
- V. In areas densely inhabited by the Han nationality, in principle, the dead bodies or organs **from** the condemned criminals of minority nationalities are not to be used.

In areas inhabited by minority nationalities, respect should be shown to the mourning and funeral customs in the implementation of the Regulations.



最高人民法院  
最高人民检察院  
公安部 司法部  
卫生部 民政部  
关于利用死刑罪犯尸体  
或尸体器官的暂行  
规定

(1984年10月9日)

各省、自治区、直辖市高级人民法院、人民检察院、公安厅(局)、司法厅(局)、卫生厅(局)、民政厅(局)：

随着我国医学事业的发展，一些医疗、医学教育、医学科研单位为进行科学研究或做器官移植手术，提出了利用死刑罪犯尸体或尸体器官的要求。为了支持医学事业的发展，有利于移风易俗，在严格执行法律规定、注意政治影响的前提下，对利用死刑罪犯的尸体或尸体器官问题，特作规定如下：

(一) 对判处死刑立即执行的罪犯，必须按照刑法有关规定，“用枪决的方法执行”。执行完毕，经临场监督的检察员确认死亡后，尸体方可做其他处理。

(二) 死刑罪犯执行后的尸体或火化后的骨灰，可以允许其家属认领。

(三) 以下几种死刑罪犯尸体或尸体器官可供利用：

1. 无人收殓或家属拒绝收殓的；

2. 死刑罪犯自愿将尸体交医疗卫生单位利用的；

3. 经家属同意利用的。

(四) 利用死刑罪犯尸体或尸体器官，应按下列规定办理：

1. 利用单位必须具备医学科学研究或移

植手术的技术水平和设备条件，经所在省、市、自治区卫生厅(局)审查批准发给《许可证》，并到本市或地区卫生局备案。

2. 尸体利用统一由市或地区卫生局负责安排，根据需要的轻重缓急和综合利用原则，分别同执行死刑的人民法院和利用单位进行联系。

3. 死刑执行命令下达后，遇有可以直接利用的尸体，人民法院应提前通知市或地区卫生局，由卫生局转告利用单位，并发给利用单位利用尸体的证明，将副本抄送负责执行死刑的人民法院和负责临场监督的人民检察院。利用单位应主动同人民法院联系，不得延误人民法院执行死刑的法定时限。

对需征得家属同意方可利用的尸体，由人民法院通知卫生部门同家属协商，并就尸体利用范围、利用后的处理方法和处理费用以及经济补偿等问题达成书面协议。市或地区卫生局根据协议发给利用单位利用尸体的证明，并抄送有关单位。

死刑罪犯自愿将尸体交医疗单位利用的，应有由死刑罪犯签名的正式书面证明或记载存人民法院备查。

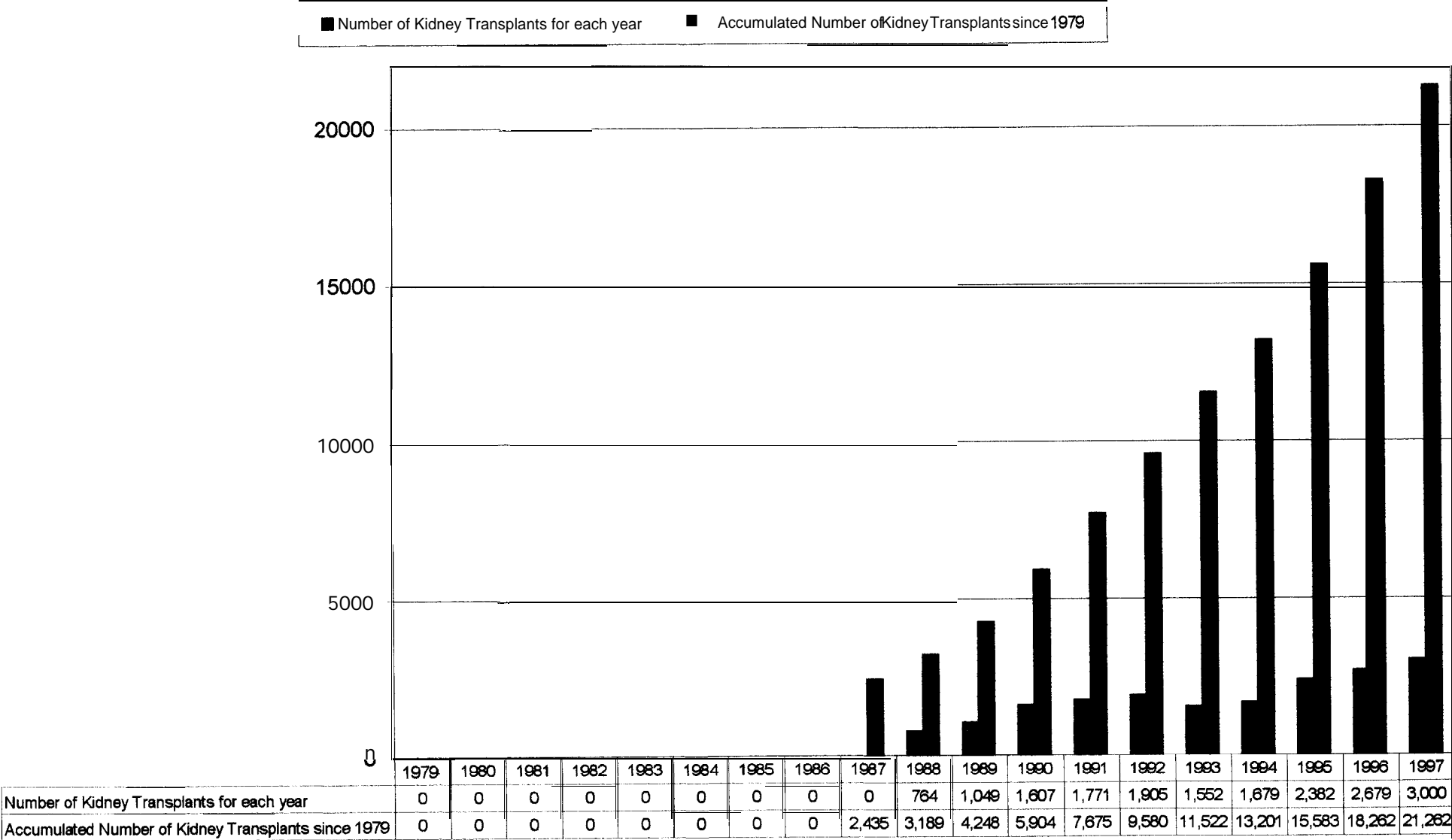
4. 利用死刑罪犯尸体或尸体器官要严格保密，注意影响，一般应在利用单位内部进行。确有必要时，经执行死刑的人民法院同意，可以允许卫生部门的手术车开到刑场摘取器官，但不得使用有卫生部门标志的车辆，不准穿白大衣。摘取手术未完成时，不得解除刑场警戒。

5. 尸体被利用后，由火化场协助利用单位及时火化；如需埋葬或做其他处理的，由利用单位负责；如有家属要求领取骨灰的，由人民法院通知家属前往火化场所领取。

(五) 在汉族地区原则上不利用少数民族死刑罪犯的尸体或尸体器官。

在少数民族聚居地区，执行本规定时，要尊重少数民族的丧葬习惯。

# Kidney Transplants in China since 1979



source: Chinese Journal of organ Transplants. Zhong Hua Qiguan Yichi Zachi.  
Published by the Chinese Medical Association.  
0 means no information available  
1997: numbers are estimates